

REMARKS

Upon entry of the instant amendment, claims 1, 2, 4, 5 and 7 will remain pending in the present application.

In the instant amendment, claims 3 and 6 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Claim 1 has been amended by incorporating feature of claim 3. Claim 5 has been amended by incorporating features of claim 6. The instant amendment made herein to the claims does not incorporate new matter into the application as originally filed.

Accordingly, proper consideration of each of the pending claims is respectfully requested at present, as is entry of the present amendment.

Claim Rejections under 35 U.S.C. § 102

At pages 2-3 of the outstanding Office Action, claims 1-7 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Tezuka JP '400 (JP 2000-12400).

Applicants respectfully traverse and request that the Examiner withdraw this rejection based on the following considerations.

Product Claims 1-2 and 4

Distinctions over Tezuka JP '400

The present invention is directed to a foil for a cathode of a capacitor having an aluminum foil; a carbon-containing layer formed; and an interposition layer containing aluminum and carbon between the aluminum foil and the carbon-containing layer. More

specifically, as recited in claim 1, *“said carbon-containing layer is formed so as to extend outward from the surface of said aluminum foil”* is one of the features of the present invention. For example, such a carbon-containing layer has a structure as shown in Figs. 1-3. Further, as explained, for example, at page 4, line 8 to page 5, line 9 of the instant specification, in the foil for a cathode of a capacitor of the present invention, since the carbon-containing layer is formed so as to extend outward from the surface of the aluminum foil, the surface area of the aluminum foil can be enlarged or increased more effectively, and thereby capacitance of the foil for a cathode of a capacitor can be effectively increased.

However, the Tezuka JP '400 reference fails to disclose or suggest the feature of the present invention (i.e., *“said carbon-containing layer is formed so as to extend outward from the surface of said aluminum foil”*).

Thus, the present invention is distinguished from and not anticipated by Tezuka JP '400. Applicants respectfully request that the Examiner withdraw this rejection.

Please note that English translation of Tezuka JP '400 has been attached to the present amendment for the convenience of the Examiner.

Additional Consideration (Obviousness)

A *prima facie* case of obviousness is not established based on the Tezuka JP '400 references since the cited reference fails to disclose or suggest at least one of features of the present invention *“said carbon-containing layer is formed so as to extend outward from the surface of said aluminum foil,”* which is recited in claim 1. Likewise, it follows that a person

having ordinary skill in the art would not be motivated by any of the teachings of the cited reference and by the general knowledge to arrive at the present invention.

Accordingly, the present invention (independent claim 1 and dependent claims) is not obvious over the cited reference.

Process Claims 5 and 7

Distinctions over Tezuka JP '400

The present invention is directed to a manufacturing method of a foil for a cathode of a capacitor, comprising the steps of: arranging an aluminum foil in a space containing a hydrocarbon-containing substance; and heating said aluminum foil. More Specifically, as recited in claim 5, *“said step of arranging the aluminum foil involves adhering at least one kind selected from the group consisting of a carbon-containing substance and an aluminum powder to a surface of the aluminum foil, and then arranging the aluminum foil in a space containing a hydrocarbon-containing substance”* is one of the features of the present invention.

As explained, for example, at page 6, line 10 to page 7, line 9 of the instant specification, according to the manufacturing method of the present invention, an interposition material containing aluminum and carbon can be formed, and a carbon-containing layer, which gives the effect as the surface area of the aluminum foil is increased, can be easily formed on the surface of the aluminum foil by means of heating the aluminum foil arranged in a space containing a hydrocarbon-containing substance.

However, Tezuka JP '400 fails to disclose or suggest *“said step of arranging the aluminum foil involves adhering at least one kind selected from the group consisting of a*

carbon-containing substance and an aluminum powder to a surface of the aluminum foil, and then arranging the aluminum foil in a space containing a hydrocarbon-containing substance,” which is one of features of the present invention.

Thus, a manufacturing method of the present invention (claim 5 and 7) is distinguished from and thus not anticipated by Tezuka JP '400. Applicants respectfully request that the Examiner withdraw this rejection.

Additional Consideration (Obviousness)

A *prima facie* case of obviousness is not established based on the Tezuka JP '400 references since the cited reference fails to disclose or suggest at least one of features of the present invention “said step of arranging the aluminum foil involves adhering at least one kind selected from the group consisting of a carbon-containing substance and an aluminum powder to a surface of the aluminum foil, and then arranging the aluminum foil in a space containing a hydrocarbon-containing substance,” which is recited in claim 5. Likewise, it follows that a person having ordinary skill in the art would not be motivated by any of the teachings of the cited reference and by the general knowledge to arrive at the present invention.

Accordingly, a manufacturing method of the present invention (independent claim 5 and dependent claim 7) is not obvious over the cited references.

Nonstatutory Obviousness-Type Double Patenting

At pages 3-4 of the Office Action, claims 1-7 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over

claims 1-4, 6, 16, 19-20 of co-pending Application No. 10/549,202. Should this co-pending application be allowed, Applicants will file a Terminal Disclaimer in the present application.

Information Disclosure Statements (IDS)

Applicants appreciate the Examiner returning the initialed PTO-1449 forms submitted by Applicants on September 16, 2005. Applicants also note that a new IDS was filed on September 24, 2007. The Examiner is respectfully requested to initial the PTO-1449 form submitted with the new IDS.

CONCLUSION

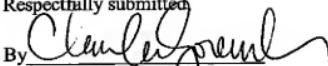
Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims are allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Charles Gorenstein (Reg. No. 29,271) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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Attachment: English translation of Tezuka JP '400